

Application No. 10/766,498
Amendment Dated November 1, 2010
Reply to Office Action Dated April 9, 2010.
Accompanying Petition Dated November 1, 2010

Remarks

Claims 39-54, 56 and 58-60 are pending.

Claims 39-54, 56 and 58-60 stand rejected.

Claims 39, 43, 44, 46 and 59 have been amended

Claims 39-54, 56 and 58-60 are submitted herein for review.

No new matter has been added.

In the Office Action, the Examiner has continued the prior rejections under 35 U.S.C. § 103(a) as being unpatentable over Maloney et al. (U.S. Patent No. 5,555,299), Rogers et al. (U.S. Patent No. 5,617,471) and Bauer et al. (U.S. Patent No. 4,899,375). Applicants respectfully disagree with the Examiner's assessment and submit the following remarks in response.

Independent claims 39, 46 and 59 are directed to a method for use in a directory assistance telecommunication system. In each of the claims, the method includes a directory system receiving from a caller a current directory request for a suggestion for one third party provider of a product or service desired by the caller among a plurality of available third party providers, where the third party provider is not associated with directory system.

The directory system then retrieves the data concerning one or more prior directory requests by the same caller to the directory system and utilizes at least the retrieved data concerning one or more prior requests to select a third party product or

Application No. 10/766,498
Amendment Dated November 1, 2010
Reply to Office Action Dated April 9, 2010.
Accompanying Petition Dated November 1, 2010

service provider, among the plurality of available third party providers, not associated with the directory system, in response to the current request.

Independent claim 39 further recites that the caller can return to directory system without terminating the call, automatically, in response to a predetermined signal received by the directory service from the caller's communications device.

Independent claim 46 further recites assigning an agent in the directory system, where the agent communicates with the third party product or service provider on behalf of the caller to satisfy the current request.

Independent claim 59 further recites that geographical region is identified based on the record, transferring the record to a call center associated with the geographical region and identifying a third party provider of a product or service that located in the geographical region.

Turning directly to the Examiner's reply to the prior arguments on pages 2-3 of the Office Action, Applicants note that the first paragraph states that the type of caller's request is not defined in the claim. Applicants respectfully disagree. The type of the caller's request is clearly defined for example in claim 39 as, "...the call including a current request for a suggestion by said directory assistance system for one third party provider of a product or service desired by the caller among a plurality of available third party providers..." This defines the request as a "yellow pages" type request.

In the following paragraph of the Examiner's reply, the Examiner argues that such a feature is taught in Maloney in col. 9, lines 1-6 and 40-44. However, as noted in col. 9, line 1 through col. 10, line 25 is simply a transcript of call where the user dials a single

Application No. 10/766,498
Amendment Dated November 1, 2010
Reply to Office Action Dated April 9, 2010.
Accompanying Petition Dated November 1, 2010

entity ("T.I.C. Direct"), requests a purchase of a good from one of their catalogs ("... a coat...") from a first apparel division, and then the call is transferred to another CSR in another division ("...gourmet foods...") at the same company. There is no suggestion at all for contacting a directory system for any suggestions at all let alone a suggestion of one third party provider of goods among a plurality of available third party providers. The other cited Rogers and Bauer references likewise have no such teaching.

The Examiner does note that Maloney does not specifically teach that the item purchased from TIC gourmet foods catalog is a third party provider of that item that is independent from the first service provider (directory system). The Examiner contends that Rogers teaches this feature in col 1, Lines 17-27 and col. 6, line 61 - col. 7, line 6.

However, as noted in the prior Amendment, this section of Rogers does not have anything to do with the suggestion of a third party provider of a product or service among a plurality of available third party providers. Rogers likewise does not recall from storage the manner in which one or more prior directory requests by the same caller to the directory system were handled and then utilize that data to select a third party product or service provider in response to the current request. Rather Rogers simply teaches a system to transfer calls from one operator at one location to another operator at another location (with different expertise) *all within the same entity*.

For example, even if the party being transferred to in Rogers was technically a third party (such as a corporate subdivision etc...) it is still not a suggestion of a third party provider of a product or service among a plurality of available third party providers and it is likewise not based on the manner in which a prior directory request was handled.

Application No. 10/766,498
Amendment Dated November 1, 2010
Reply to Office Action Dated April 9, 2010.
Accompanying Petition Dated November 1, 2010

In the final paragraph of the response to arguments section, the Examiner then argues that the element of the prior requests to the directory system are retrieved to assist in providing the current suggestion is taught in Maloney col. 9, lines 15-36 and col. 10, lines 1-8.

These portions of Maloney do not teach this feature as claimed. The Examiner is correct that col. 9, lines 15-36 of Maloney do teach the recall of past purchases with the retailer (T.I.C.). However, this recall is only for the purposes of getting the caller's identity and possibly financial information so that they can quickly make new purchases without the need to provide the information again. There is no suggestion at all that past requests and calls are reviewed to help with a current suggestion for a directory query reply.

As such, Applicants submit that even if the references were combined as suggested by the Examiner, the resulting system and method still does not teach all of the elements of the independent claims. For example, there is no teaching or suggestion in any one of Maloney, Rogers or Bauer that discloses a directory system receiving a directory call from a caller using a communications device, the call including a current request for a suggestion from the directory service of one third party provider of a product or service among a plurality of available third party providers, desired by the caller, where the third party providers are independent of the directory system.

Likewise, there is no teaching or suggestion in any of the cited references, either alone or combined, that discloses retrieving data concerning the manner in which one or more prior directory requests by the same caller to the directory system were handled and

Application No. 10/766,498
Amendment Dated November 1, 2010
Reply to Office Action Dated April 9, 2010.
Accompanying Petition Dated November 1, 2010

that data is utilized to select a third party product or service provider from among the plurality of available third party providers in response to the current request.

For at least these reasons, Applicants request that the rejection of independent claims 39, 46 and 59 be withdrawn. Also, as claims 40-45, 47-54, 56, 58 and 60 depend from claims 39, 46 and 59 respectively, the rejection of these claims should be withdrawn for at least the same reasons.

In view of the foregoing, Applicants respectfully submit that pending claims 39-54, 56 and 58-60 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application they are invited to contact the undersigned at the number listed below.

Respectfully submitted,
SOFER & HAROUN, L.L.P.

By Joseph Sofer
Joseph Sofer
Reg. No 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800
Customer # 39600

Dated: November 1, 2010